

## INTERNATIONAL MILITARY TRIBUNAL OF THE FAR EAST

THE UNITED STATES OF AMERICA, ET AL

vs.

ARAKI, SADAO, ET AL

## Affidavit of

General Miyano, Masatoshi

Q. When the Doolittle fliers were captured, who captured them?

A. Two aircraft landed in China, one in the area of the 13th Army and one in the area of the 11th Army, and when this was reported the order was given by the Chief of the General Staff in Tokyo to send those fliers to Tokyo immediately.

Q. Did they all go to Tokyo together, those caught by the 11th Army and the 13th Army?

A. All together, at the same time.

Q. Did they all come back to China together?

A. Yes.

Q. When they came back to China from Tokyo, where were they sent?

A. Shanghai.

Q. When the fliers were brought back to Shanghai, did any orders come with them as to what should be done?

A. The order was that those fliers were to be tried by the China Expeditionary Force, which did not mean China Expeditionary Force Headquarters.

Q. What did the order state?

A. The order was in two parts. One part stated that a new military law for the treatment of fliers who raided Japanese areas had been created and ordered us to post the new law in accordance with a copy that was attached to the order. The second part ordered that the fliers be tried by military court in accordance with the new military law which was contained in the first part of the order.

Q. When was the order notifying you of the creation of the new military law received?

A. 28 July 1942.

Q. Then what happened?

A. General Hata was opposed to trying the fliers by military law, instead, he wanted to treat them as prisoners of war. He stated to his Chief of Staff, and I heard this because I was sitting there at the time, that it was his intention to give the fliers as generous consideration as possible. He said that if Tokyo insisted that the fliers be tried under the new military law, he, Hata, would give them the lightest possible or the most generous possible decision at the trial. He stated that if there were any slightest extenuating circumstances to be taken into

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A. consideration, he would take them into consideration and pass them as (Contd) light a sentence as possible. He stated it was his intention to treat the fliers generously.

Q. What happened next?

A. Since the China Expeditionary Force Headquarters did not have any military court in its organization and since Tokyo had sent the fliers directly to Shanghai, it was decided that the trial, if it had to be held, would be held by the 13th Army whose headquarters were in Shanghai. Because General Hata opposed the idea of trying the American fliers by a military court, instead of ordering the 13th Army to proceed with the trial, he ordered the 13th Army to investigate whether or not the fliers would be tried by military law or could be treated as prisoners of war.

Q. Then what happened?

A. Later I found out that the 13th Army decided that there was not enough evidence to try the fliers by military court and requested directly of Tokyo, not through our headquarters, more evidence against the fliers. It did this through the Shanghai office of the Kompeitai. This I learned after the trial when during one of my trips between Nanking and Shanghai I saw this document in Shanghai.

Q. Did General Hata ever himself or your headquarters receive any answer from the 13th Army saying that the evidence was not sufficient to hold a trial.

A. No.

Q. What happened next?

A. When General Hata expressed his intention of generous treatment of these fliers to Lt. General Ushirogu, his Chief of Staff, Lt. General Ushirogu on the same day wrote a letter to the Vice-Chief of the General Staff in Tokyo, General Tanabe, stating the intentions of General Hata and asking the intentions of the Tokyo Central Authorities. The letter was forwarded to Tokyo by messenger on an airplane the very same day.

Q. Then what happened?

A. As a result of the letter sent by Lt. General Ushirogu to the Tokyo Central Authorities stating the intentions of General Hata, Colonel Arisue came all the way from Tokyo as emissary from the Chief of the General Staff and expressed the desires of the Chief of the General Staff, which were: To carry out the trial in a very strict manner, and that punishment must be very strict. As a matter of fact, the Chief of the General Staff was expecting the death sentence. Further, it was the order of the Chief of the General Staff that the decision of the trial be forwarded to Tokyo immediately for action by Tokyo. The execution of the sentence should be stayed until the decision was forwarded from Tokyo after action was taken in Tokyo on the decision of the trial. Further, after execution of sentence, no announcement was to be made by the China Expeditionary Army Headquarters, but all announcements relative to the trial, sentence and execution of sentence, would be made by Imperial Headquarters in Tokyo. In this connection, General Hata stated to Colonel Arisue that because of the seriousness and the importance of the matter, he wanted the orders from Tokyo in writing. Colonel Arisue retorted that because of the seriousness of the matter the Chief of the General Staff had decided to forward the orders not in writing but by his personal emissary, Colonel Arisue himself, and that there was no more reliable way of conveying those order than by the use of high ranking officer courier.

Q. After General Hata forwarded the orders of Tokyo that the fliers should be tried, what further action did he take with relation to the trial?

A. No further action.

Q. Did he appoint the members of the tribunal?

A. No.

Q. Did he appoint the prosecutor?

A. No.

Q. Did he appoint the defense counsel?

A. No.

Q. Did he make any appointments for any position with regard to the court or any of its members?

A. No, this was not within his province. The trial was to be held by the 13th Army, which had its headquarters in Shanghai, the place to which the fliers had been delivered from Tokyo. With the arrival of Colonel Arisue with a complete set of orders from Tokyo that they were to be tried by military court, which military court did not exist in the Headquarters of the China Expeditionary Force which was located in Nanking, control of all matters in the trial was out of our hands. As the Headquarters of the China Expeditionary Force, we were now the channel through which all orders relative to the trial would pass and would be forwarded on to the 13th Army in Shanghai.

Q. Did Hata make known to the 13th Army his intention to treat the fliers generously?

A. No, because he had already been told by the emissary of the Chief of the General Staff what the intentions and desires were of the Chief of the General Staff. Hata as a subordinate could not make any recommendations of his own. If no orders had been received from Tokyo as to the intentions and desires of the General Staff, then General Hata as the highest authority of the Japanese Army in China would have been permitted to express his desires to the 13th Army. But since he had been told directly by the emissary of the High Command, Colonel Arisue, what the Tokyo authorities desired, he had to control his own desires as to their treatment or the demands to be made for sentence. However, General Hata still did not give up his hope of giving the fliers a light sentence because there was still the order to forward to Tokyo immediately the decision of the trial. Then again, the execution of sentence was to be stayed until the decision of Tokyo was made known. On these two points General Hata thought Tokyo would consider the matter carefully and might mitigate the sentence or might do something different after their minute consideration of the entire case, so General Hata put every expectation on the further decision of the Tokyo people.

Q. Why didn't General Hata, when he received the decision from Shanghai and then forwarded it to Tokyo as per instructions, make any recommendation to Tokyo to treat these people generously?

A. Since it had been ordered that the final decision would be made in Tokyo, General Hata could not suggest nor was it permissible for General Hata to suggest again and again to his superiors in Tokyo what they should do or to offer his recommendations. His intentions of treating the fliers in a generous manner had already been communicated to Tokyo through his Chief of Staff and that was the reason why Tokyo had dispatched Colonel Arisue as emissary of the General Staff direct to Hata to notify him of

A. (Contd) the contrary intentions of the Tokyo central authorities. General Hata had good reason to expect, since he knew that his personal intentions were known to the General Staff and since they had ordered that execution of sentence be stayed until further order should be given by Tokyo they would mitigate the sentences. Indeed, he was correct in this because later the decision came from Tokyo saving the lives of five of the fliers

Q. How had General Hata's intentions to treat these fliers in a fair manner become known to Tokyo?

A. When General Hata had disclosed his intentions to his Chief of Staff, Lieutenant General Ushirogu, Lieutenant General Ushirogu had reported it to the Vice-Chief of the General Staff in Tokyo and had asked the intentions and desires of the General Staff. That is how the intentions of General Hata became known to the General Staff and as a result of this knowledge, Colonel Arisue was dispatched to Nanking to give the orders and the desires of the Chief of the General Staff for the conduct of the trial to General Hata.

Q. Now at any time did General Hata express if he had his way what his decision would be?

A. I only know that one day he told the Commander of the 13th Army, Lieutenant General Sawada that, "I do not know whether you like the sentence of the Tribunal or not, but that is a matter beyond my control. I can do nothing about it", by which he expressed his disapproval of the decision.

Q. When the fliers were tried by military court under the newly promulgated military law promulgated by Tokyo and ordered posted in China, what decision was open to the court to make?

A. It could find the fliers guilty or it could acquit them.

A. At any time during the entire proceedings was General Hata as Commander of the Japanese Armies in China permitted or authorized to exercise any discretion in the setting up of the Tribunal, its members, recommendation to them of a decision?

A. No. With the arrival of Colonel Arisue, the entire matter was handled directly in accordance with orders from Tokyo and in the same manner as if the trial had been held in Tokyo. The only difference was that Tokyo had sent the fliers back to Shanghai and had ordered the trial held there. Everything, including decision to hold the trial, the law under which the trial was to be held, the review of the sentence of the tribunal, the time as to the execution of the sentences and even the announcement of the trial and its sentence and the execution of the sentence were all handled by Tokyo. At no time were we permitted or were we in any position to alter or change any of those decisions or to offer our own recommendations. From the very beginning after the fliers were captured by the 11th Army and the 13th Army, Tokyo assumed control of the entire matter. They were ordered to Tokyo for questioning and examination and then when that was finished the fliers were returned to Shanghai and the order arrived that their trial should be held in China.

Q. At any time from the very beginning until it was all over, was there anything that General Hata could have done to alter the chain of events as they took place?

A. Neither General Hata, nor anyone else in his position could have made the slightest change in the whole event.

1. I was born on 1st of January 1898 at 3218 Nagotonura, Jinsokigan, Hiroshima Prefecture, and am now living at 912 Oizuminachi ~~Shimaku~~, Tokyo.

2. Gist of personal history is as follows:

May 1918	Graduated Military Academy
December 1918	Commissioned 2nd Lieutenant
March 1941	Member of Staff of China Expeditionary Forces. At the time Colonel.
March 1943	Director of Reserve Officer's Training School. At the time Major General
July 1945	Vice-Chief of Staff of Central Area Army, Japan, till termination of war.

3. From March 1941 to March 1943, I was a member of staff of the China Expeditionary Forces and Section Chief of the First Department of Military Staff Office. Referring to the Doolittle Airplane Incident, my Section handled the case because it was an affair concerning the Supreme Command and so I am very conversant with this case.

OATH

In accordance with my conscience, I swear to tell the whole truth withholding nothing and adding nothing.

MIYANO, Masatoshi (Seal)

On the 11th day of September, 1947, at Tokyo

Deponent: MIYANO, Masatoshi (Seal)

I, IMANARI, Taitaro, hereby certify that the above statement was sworn to by the Deponent, who affixed his signature and seal thereto in the presence of this Witness.

On the same date,  
at Tokyo

Witness: IMANARI, Taitaro (Seal)